

Message Text

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TO AMEMBASSY SAN JOSE IMMEDIATE

INFO AMEMBASSY QUITO IMMEDIATE

C O N F I D E N T I A L STATE 246409

EXDIS

E.O. 11652: GDS

TAGS: PFOR, CS

SUBJECT: PRESIDENT ODUBER'S PUBLIC COMMENTS ON VESCO
MATTER

REF: SAN JOSE 4248 AND SAN JOSE 4249

QUITO FOR ASSISTANT SECRETARY ROGERS FROM BOWDLER

1. DEPARTMENT DOES NOT BELIEVE THAT A PUBLIC STATEMENT
BY THE EMBASSY WOULD BE USEFUL AT THIS TIME. DEPARTMENT
OFFICERS HAVE, OF COURSE, ROUTINELY DEFENDED THE INTE-
GRITY OF OUR EXTRADITION EFFORT IN RESPONSE TO INFORMAL
PRESS INQUIRIES, AND SHOULD ODUBER'S STATEMENT BE PLAYED
IN U.S. PRESS, WE WOULD HAVE TO CONSIDER POSSIBILITY OF
A FULLER RESPONSE IN WASHINGTON.

2. DEPARTMENT AGREES THAT CHARGE SHOULD SEEK EARLY
MEETING WITH ODUBER. CHARGE IS REQUESTED TO STRESS TO
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ODUBER THAT OUR EXTRADITION EFFORT WAS MADE IN GOOD FAITH,

AND IN FULL RESPECT FOR THE COSTA RICAN JUDICIAL SYSTEM;
THAT WHILE VESCO CASE HAS INESCAPABLE POLITICAL OVERTONES,
OUR INTEREST HAS BEEN IN OBTAINING THE RETURN OF A

FUGITIVE FROM U.S. JUSTICE. CHARGE MAY ALSO DRAW UPON
FOLLOWING EXPLANATION. THE U.S. EXTRADITION EFFORT OF
1973 WAS FRAMED ON THE BASIS OF AN INDICTMENT OF ROBERT
VESCO IN THE SOUTHERN DISTRICT OF NEW YORK FOR VIO-
LATION OF U.S. CODE TITLE 18 SEC 1343 "FRAUD BY WIRE".
A STUDY WAS MADE OF THE APPLICABILITY OF THE INDICTMENT
TO THE EXTRADITION TREATY WITH COSTA RICA CONSIDERING
ALSO THE EXTRADITION LAW OF COSTA RICA AND COSTA RICAN
PENAL LAW (ATTEMPTED FRAUD IS A CRIME IN COSTA RICA).
OUR DETERMINATION AS DEMONSTRATED IN DOCUMENTS WE PRE-
SENTED TO THE COSTA RICAN COURTS, WAS THAT THE EX-
TRADITION LAW PERMITTED A SUFFICIENTLY BROAD INTER-
PRETATION OF THE OFFENSE TO FALL UNDER THE FRAUD SECTION
OF THE EXTRADITION TREATY. OUR EFFORTS IN THE COURTS
WERE CONDUCTED IN CONSULTATION WITH COSTA RICAN COUNSEL.
AS ODUBER KNOWS, THE COSTA RICAN COURTS DID NOT COME TO
THE SAME JUDGEMENT WHICH WE HAD. HOWEVER, WE THINK
WE HAVE DEMONSTRATED OUR RESPECT FOR THE COSTA RICAN
JUDICIAL SYSTEM BY OUR SILENT ACCEPTANCE OF THE COURT
DECISION AND WE ARE DISTURBED IF ODUBER HAS CONCLUDED
OTHERWISE. (YOU MAY SUPPLY ODUBER WITH DOCUMENTATION OF
OUR LEGAL PRESENTATION, IF APPROPRIATE).

3. CHARGE SHOULD ASSURE ODUBER THAT U.S. REMAINS VERY
INTERESTED IN RETURNING ROBERT VESCO TO FACE PENDING
INDICTMENTS IN THE UNITED STATES, AND THAT WE HAVE
ATTEMPTED TO DEMONSTRATE TO HIM THE SERIOUSNESS OF OUR
INTENTIONS BY PROVIDING HIM WITH BRIEFINGS AND
DOCUMENTARY INFORMATION. WE HOPE THAT HIS STATEMENTS
DO NOT IMPLY DOUBT AS TO OUR GOOD FAITH IN DEALING WITH
HIM. CHARGE SHOULD ALSO TELL ODUBER THAT THE EMBASSY
HAS BEEN ASKED BY THE PRESS TO DEFEND THE SERIOUSNESS OF
ITS EXTRADITION EFFORT, BUT THAT THE CHARGE DOES NOT
INTEND TO RESPOND.

4. ASSISTANT SECRETARY ROGERS MAY WISH TO REAFFIRM
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SERIOUSNESS OF OUR INTENTIONS TO FACIO IF OCCASION
PERMITS. INGERSOLL

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